

EXHIBIT 35

Letter dated June 4, 1929 to Attorney General
from Ethelbert Ward, Special Assistant to Attorney General

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

SWR - GAI

215566.

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

230 Postoffice Building,

Denver, Colorado, June 4, 1929.

U. S. v. Walker River Irrigation District, et al.

The Attorney General,

Washington, D. C.

Sir:

Judge Harwood and I had a three-days conference last week at Reno, Nevada, on May 28, 29 and 30, with Messrs Truesdell, Reed and Kronquist, field officials of the Indian Bureau, respecting a proposed stipulation with defendants which had been submitted to Supervising Engineer Engle on January 8, 1929. The whole matter was elaborately discussed and carefully considered. Mr. Truesdell, as spokesman, was unable to approve the proposed stipulation. In the opinion of Judge Harwood and myself, the changes and amendments which were suggested and discussed would unquestionably be rejected by defendants. It is now evident that we must proceed with the trial upon such evidence as the Indian Bureau will furnish, and leave the solution to the Court.

The defendants have put in strong testimony that under natural conditions, in the absence of all irrigation up the river, the water supply of the river is such that only a small amount of land,-- two or three thousand acres,--

JUN 17 1929

215566-
RWR
Benson
IC LANDS DIV.

JUN 8
RECEIVED

WRID01

1937

NARA00001508-1
US0034653

could be fully irrigated on the Indian Reservation. Defendants' testimony is supported by the statements and conclusions of Supervising Engineer Engle in his report of February 14, 1927, to the Commissioner of Indian Affairs, which is printed in House Document 767, to the effect that the entire water supply of the Walker River under natural conditions would not fully irrigate more than 4,000 acres of the Indian Reservation lands. Defendants' witnesses also testify to enormous and unexplained losses of water in the river other than from evaporation.

The problem to be solved is this: What water comes into the Walker River and what becomes of it?

In order to enable us to make any showing in rebuttal at least the following is necessary:

1. Accurate daily measurements of the water flow in Walker River and its two forks from now until the end of the irrigation season must be made at various points in the Indian Reservation, Mason Valley, Bridgeport Meadows and possibly other controlling points in order to determine what water comes into the Walker River, and where, if at all, it disappears.
2. Measurements during the same period, or reliable information regarding the principal diversions of the defendants to enable us to get some idea of what water is taken out of Walker River by the defendants.
3. A careful and extended study in Nevada by some qualified irrigation and water expert of the testimony in the Att'y Gen'l-2.

case, the incomplete records of stream flow now available, and the data to be obtained during the coming irrigation season, in order to testify in Court fully on these matters in rebuttal and to thereby make a court record to destroy the defendants' testimony of an enormous and unexplained loss of water in the river before it reaches the Indian ditches.

4. An official disapproval by the proper person in the Department of the Interior of the statements and conclusions of Supervising Engineer Ehgle in his report of February 14, 1927, to the effect that the supply of water in Walker River under natural conditions is sufficient to ^{fully} irrigate only 4,000 acres of the 10,000 irrigable acres on the reservation and his statements of enormous percentages of loss of river water in transit through the river channel. This disapproval must be either by competent testimony in Court, or by the introduction of a certified copy of an official document competent as evidence in Court.

I respectfully urge the Department of Justice to immediately take up this matter with the Department of the Interior, so that the Indian Bureau may be able to furnish us the necessary facts to present in rebuttal. Of course I have not attempted to outline in minute detail all these necessary facts nor how they are to be obtained. Any competent irrigation and water engineer will know where, how and when to make the necessary measurements, observations and investiga-

Att'y Gen'l-3.

tions to determine what water comes into the Walker River
and what becomes of it.

Very respectfully,

Ethelbert Ward

Special Assistant to the
Attorney General.

CC to
Attorney General,
Judge Harwood,
Mr. Truesdell.

EW/ELM

NARA00001508-4
US0034656